

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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JOSEPH WALKER,

Plaintiff,

v.

Case No.: 20-CV-487

CITY OF MILWAUKEE, et al.

Defendants.

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**CIVIL L.R. 7(H) TO RESET TRIAL DATES**

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Defendants, by way of undersigned counsel, respectfully move this Court, pursuant to Civil L.R. 7(h) for an Order adjourning and resetting trial dates in this matter. In support of the Motion, Defendants state as follows:

1. The Trial in this matter is currently scheduled to start on September 25, 2023 with the Final Pretrial conference set for August 31, 2023 and motions in limine due August 4, 2023. (Dkt. 68).
2. While Defendants support trying this case as soon as possible, defense counsel became aware one of the named Defendants has a pre-existing conflict during the trial. Lt. Tonya Boll is scheduled to travel to Italy the week of the jury trial. Lt. Boll has previously expended significant costs, airfare, and lodging with the trip that was made before the trial date was set.
3. While resetting Trial days may push the trial date back by one to three months, it will not significantly delay a final resolution on this matter. If the Defendants do not prevail at trial, Defendants to the extent appropriate, anticipate filing Post-Trial Motions and an Appeal, if necessary to the Seventh Circuit. It therefore could be potentially a year before any final resolution in this case is reached, and resetting the trial dates by a few months, will not materially delay the case and will not unduly prejudice the Plaintiff.

4. The nature of this case has already caused a great deal of stress and anxiety for the Defendants, two who no longer work with the Milwaukee Police Department, including one who lives in Colorado and like the Plaintiff they would like a resolution.
5. On June 14, 2023, around 2:50 p.m. Defense counsel emailed counsel for Joseph Walker to inquire if Plaintiff would be in agreement with doing a video deposition for Defendant Boll or using a deposition transcript for trial purposes based on the conflict. Shortly thereafter, counsel for Plaintiff responded via email they did not oppose a video deposition. However, after further review counsel for Plaintiff emailed around 5:00 p.m. on June 14, 2023 their opposition to using a video deposition.
6. On June 16, 2023 Defendants' counsel followed up with the Plaintiff's counsel, advising their intent to motion the Court to adjourn trial dates and inquired as to Plaintiff's position to the motion, whether they would remain silent, oppose, or be un-opposed. Plaintiff's counsel did advise in response they would oppose an adjournment of trial dates.
7. On June 20, 2023, counsel of record discussed via phone, the conflict, the City's intent to file a motion to adjourn the trial, and discussed settlement and mediation. Plaintiff's counsel reiterated their position of opposition to an adjournment.
8. For the reasons stated above, Defendants respectfully request that the trial date be adjourned on this matter in the last quarter of 2023 should the Court's calendar permit and a status conference scheduled.
9. This is the Defendant's first request to adjourn the trial.

Dated and signed at Milwaukee, Wisconsin, this 20th day of June, 2023.

TEARMAN SPENCER  
City Attorney

/s/ Anthony Jackson  
Anthony Jackson  
Assistant City Attorney  
State Bar No. 1090574  
*Attorneys for Defendants*

ADDRESS:  
200 E. Wells Street  
800 City Hall  
Milwaukee, WI 53202  
Telephone: 414-286-2601  
Email: [lajack@milwaukee.gov](mailto:lajack@milwaukee.gov)

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